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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 STANLEY RIMER,

10 Plaintiff,

11 v.

12 STATE OF NEVADA ex rel NEVADA
13 DEPARTMENT OF CORRECTIONS et al.,

14 Defendants.

Case No. 2:14-cv-00889-RFB-CWH

ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER
MAGISTRATE JUDGE'S ORDER

15 Before the Court for consideration is Plaintiff Stanley Rimer ("Plaintiff")'s Motion to
16 Reconsider the Magistrate Judge's order denying Plaintiff's Motion for Extension of Time and
17 Motion for Enlargement of Number of Requests for Admissions. ECF No. 231.

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19 **I. PROCEDURAL BACKGROUND**

20 The Court incorporates the procedural background from its order of March 28, 2017, denying
21 Plaintiff's earlier Motion to Reconsider. ECF No. 244.

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23 **II. FACTUAL BACKGROUND**

24 The Court incorporates the factual background from its order of March 28, 2017, denying
25 Plaintiff's earlier Motion to Reconsider. ECF No. 244.

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27 **III. LEGAL STANDARD**

28 "As long as a district court has jurisdiction over the case, then it possesses the inherent

1 procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to
2 be sufficient.” City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 882, 885
3 (9th Cir. 2001) (citation omitted) (internal quotation marks omitted). “Whether or not to grant
4 reconsideration is committed to the sound discretion of the court.” Navajo Nation v. Confederated
5 Tribes and Bands of the Yakama Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003). However,
6 “a motion for reconsideration should not be granted, absent highly unusual circumstances, unless
7 the district court is presented with newly discovered evidence, committed clear error, or if there is
8 an intervening change in the controlling law.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma
9 GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotation and citation omitted). A motion
10 for reconsideration “may *not* be used to raise arguments or present evidence for the first time when
11 they could reasonably have been raised earlier in the litigation.” Id. (internal quotation and citation
12 omitted). “Motions for reconsideration are disfavored. A movant must not repeat arguments
13 already presented unless (and only to the extent) necessary to explain controlling, intervening law
14 or to argue new facts. A movant who repeats arguments will be subject to appropriate sanctions.”
15 LR 59-1. “A document filed *pro se* is ‘to be liberally construed,’ and ‘a *pro se* complaint, however
16 inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by
17 lawyers[.]” Erickson v. Pardus, 551 U.S. 89, 94 (2003) (citations omitted).

18 19 **IV. DISCUSSION**

20 In an order dated November 28, 2016, Magistrate Judge Carl Hoffman entered an order
21 denying Plaintiff’s requests for extension of time and for enlargement of number of requests for
22 admissions. ECF No. 231. Following an order to serve Defendants with revised requests for
23 admissions by October 17, 2016, Plaintiff allegedly attempted to re-serve Defendants with
24 unrevised requests for admissions close to the deadline. Magistrate Judge Hoffman found that
25 Local Rule 26-4 requires a request to extend a scheduled deadline for discovery to specify reasons
26 why the deadline was not met, and provide good cause for an extension. In the instant Motion,
27 Plaintiff argues that he specified good cause both for why the deadline for requests for admission
28 could not be met, and for the request for extension of time. He asserts the Due Process Clause of

1 the Fourteenth Amendment to the United States Constitution as grounds for good cause. Plaintiff
2 also argues that irreparable damage will result should the Court not reconsider the Magistrate
3 Judge's order, as he will be prevented from discovering the truth and restricted in his ability to
4 prepare for a jury trial. Plaintiff contends that a limit of thirty total requests for admissions is
5 inadequate, as there are "over 30 documents involved in this case, numerous defendants, numerous
6 issues [and] grievances" ECF No. 231. In Plaintiff's Motions for Extension of Time to
7 Resubmit Requests for Admissions and for Enlargement of Number of Requests for Admissions,
8 Plaintiff asked the Court to allow 25 requests for admissions per Defendant. ECF Nos. 225, 226.

9 The Court does not find that Plaintiff presents any compelling grounds for reconsideration. He
10 does not present newly discovered evidence, show that the Magistrate Judge committed clear error,
11 or demonstrate an intervening change in controlling law such that reconsideration of the Magistrate
12 Judge's order is warranted. Although the Court liberally construes the Motion, it does not find
13 good cause of an extension of time or for an enlargement of the number of requests for admission.
14 Merely alleging that the Court is infringing upon Plaintiff's right to Due Process is not sufficient
15 to establish good cause to permit Plaintiff to serve 25 requests for admissions on every defendant
16 in the case.

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18 **V. CONCLUSION**

19 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Reconsider Magistrate Judge's Order
20 (ECF No. 231) is DENIED, as Plaintiff has not established good cause for an extension of time or
21 for enlargement of the number of requests for admissions.

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23 DATED this 14th day of September, 2017.

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26 **RICHARD F. BOULWARE, II**
27 **UNITED STATES DISTRICT JUDGE**
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